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11 *Ultimate Fighting Championship and UFC*

12
13 UNITED STATES DISTRICT COURT
14 DISTRICT OF NEVADA

15 Cung Le, Nathan Quarry, Jon Fitch, Brandon
16 Vera, Luis Javier Vazquez, and Kyle
Kingsbury, on behalf of themselves and all
others similarly situated,

17
18 Plaintiffs,

19 v.

20 Zuffa, LLC, d/b/a Ultimate Fighting
Championship and UFC,

21 Defendant.
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No.: 2:15-cv-01045-RFB-(BNW)

**DECLARATION OF JESSICA E.
PHILLIPS IN SUPPORT OF ZUFFA'S
MOTION TO CONSOLIDATE
BRIEFING AND AMEND
SCHEDULING ORDER**

1 I, Jessica E. Phillips, declare as follows:

2 1. I am a member in good standing of the bar of the District of Columbia. I am
3 admitted *pro hac vice* to practice before this Court. I am a partner in the law firm Paul, Weiss,
4 Rifkind, Wharton & Garrison LLP, counsel to Defendant Zuffa, LLC in the above-captioned action
5 in the U.S. District Court for the District of Nevada, *Le et al. v. Zuffa, LLC*, No. 2:15-cv-01045-
6 RFB-(BNW).

7 2. I make this declaration in support of Defendant Zuffa, LLC's Motion to Consolidate
8 Briefing and Amend Scheduling Order.

9 3. Based on my review of the files, records, and communications in this case, I have
10 personal knowledge of the facts set forth in this declaration and, if called to testify, I could and
11 would testify competently to those facts under oath.

12 4. On October 24, 2023, Defendant submitted its Motion to Reopen Discovery. ECF
13 No. 884. Under the existing scheduling order, Plaintiff's opposition is due on November 21, 2023
14 and Defendant's reply is due on December 19, 2023. *See* ECF No. 871.

15 5. On October 26, 2023, Defendant submitted its Motion to Treat Fact Evidence
16 Produced in *Johnson* Litigation as if it Was Also Produced in *Le* Litigation (the "Motion for Cross-
17 Use of Discovery," and, together with the Motion to Reopen Discovery, the "Discovery Motions").
18 ECF No. 885. Under the existing scheduling order, Plaintiffs' opposition is due on November 9,
19 2023, and Defendant's reply is due on November 16, 2023. ECF No. 871.

20 6. On November 1, 2023, the Court set a hearing on Zuffa's Motion to Reopen
21 Discovery for November 17, 2023. ECF No. 894. Accordingly, as currently scheduled, the
22 briefing on Zuffa's Motion to Reopen Discovery will not be complete before the November 17,
23 2023, hearing on that motion.

24 7. Attached as **Exhibit A** is a true and correct copy of an email chain between counsel
25 for Plaintiffs and counsel for Defendant, dated November 2, 2023 to November 3, 2023.

26 8. The parties agree that briefing on the Discovery Motions should be consolidated.
27 The parties also agree that Plaintiffs' consolidated opposition should not exceed 30 pages and that
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1 Defendant's consolidated reply should not exceed 15 pages. *See* Exhibit A (November 2, 2023,
2 6:09 pm email from Jessica E. Phillips to Patrick F. Madden).

3 9. However, the parties have not agreed on a consolidated briefing schedule. *See id.*
4 (November 3, 2023, 5:30 pm email from Jessica E. Phillips to Eric L. Cramer).

5 10. Plaintiffs' position is that their consolidated opposition should be due on November
6 13, 2023, and Defendant's consolidated reply should be due "prior to the November 17 hearing."
7 *Id.* (November 2, 2023, 10:08 am email from Patrick F. Madden to William A. Isaacson and Jessica
8 E. Phillips).

9 11. On November 3, 2023, counsel for both parties met and conferred telephonically.
10 Defendant's counsel proposed a schedule pursuant to which Plaintiffs would file their consolidated
11 30-page opposition brief on November 10, 2023, and Zuffa would file its consolidated reply brief
12 on November 15, 2023, allowing the Court two days to review the filings.

13 12. Plaintiffs rejected Defendant's proposal, and took the position that if Zuffa did not
14 agree to their proposed schedule, Plaintiffs would delay the filing of their opposition to the Motion
15 to Reopen Discovery until November 16—the day before the hearing—denying Zuffa an
16 opportunity to reply to that brief.

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18 I declare under penalty of perjury under the laws of the United States of America that the
19 foregoing facts are true and correct. Executed this 6th day of November, 2023, in Washington,
20 D.C.

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22 /s/ Jessica E. Phillips
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